

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AVENTIS PHARMACEUTICALS INC. and)	
SANOFI-AVENTIS US LLC,)	
)	
Plaintiffs,)	
)	C.A. No. 06-286 (GMS)
v.)	
)	
BARR LABORATORIES, INC.,)	
)	
Defendant.)	

STIPULATED ORDER

WHEREAS, the scheduling order entered in above action on July 26, 2006 (D.I. 23) (the "Scheduling Order") provides that opening expert reports on which a party bears the burden of proof shall be served on January 7, 2008; answering expert reports shall be served on February 7, 2008; and expert discovery shall close on March 7, 2008;

WHEREAS Defendant has alleged a defense of patent invalidity due to obviousness under 35 U.S.C. § 103, and intends to serve opening expert reports on the issue of obviousness;

WHEREAS, in response to Defendant's obviousness allegations, Plaintiffs intend to serve answering expert reports alleging the existence of secondary considerations of non-obviousness;

WHEREAS, the case schedule does not currently provide any opportunity for Defendant to serve any reports reflecting its experts' responses to Plaintiffs' secondary considerations evidence; and

WHEREAS, if the parties were to serve their answering expert reports one week earlier than contemplated by the current case schedule, and if the Court were willing to extend the close of expert discovery by two weeks, then without otherwise impacting the case schedule in any

respect, there would be time to permit Defendant to serve reply expert reports setting forth its experts' responses to Plaintiffs' secondary considerations reports; now therefore,

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that the Scheduling Order is modified as follows but otherwise shall remain unchanged:

1. The parties' answering expert reports, including Plaintiffs' expert reports on secondary considerations of non-obviousness, shall be served on January 31, 2008.
2. Defendant shall be permitted to serve reply expert reports for the limited purpose of responding to Plaintiffs' evidence of secondary considerations of non-obviousness, which shall be served on February 21, 2008.
3. Expert discovery shall close on March 21, 2008.

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Attorneys for Defendant

SO ORDERED this _____ day of _____, 2007.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on November 6, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on November 6, 2007, I caused a copy of the foregoing document to be served by e-mail and hand delivery on the above-listed counsel and on the following non-registered participants in the manner indicated:

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